UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA   :   04 Cr 356 (KBF)

        - against -   :   **DECLARATION OF JOSHUA L.
                                              DRATEL, ESQ. IN SUPPORT OF**
MOSTAFA KAMEL MOSTAFA,   :   **DEFENDANT MOSTAFA KAMEL
                                              MOSTAFA'S MOTION TO**
                    Defendant.   :   **PRECLUDE EXPERT TESTIMONY**
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Joshua L. Dratel, Esq., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of

perjury:

1. I am an attorney, and I represent defendant Mostafa Kamel Mostafa in the above-

captioned case. I make this Declaration in support of Mr. Mostafa's motion to limit the proposed

expert testimony of Evan Kohlmann and to preclude the proposed testimony of government

expert witnesses, Daniel M. Hickey and Madeline A. Montgomery, pursuant to *Daubert v.*

Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), and *Kumho Tire Co. v. Carmichael*,

526 U.S. 137 (1999), as well as Rules 702, 401, 402, and 403 of the Federal Rules of Evidence

2. The bases for these motions are set forth in detail in the accompanying Memorandum

of Law. Also, it is respectfully requested that the facts set forth within the Memorandum of Law

be incorporated by reference in this Declaration.

3. Attached as Exhibits to this Declaration, and relevant to Mr. Mostafa's motion, are the

following:

> (a) Evan Kohlmann's March 18, 2014, Expert Report, attached hereto as
>
> Exhibit 1;

   (b) the government's March 17, 2014, letter providing expert notice as to

      Daniel M. Hickey and Madeline A. Montgomery, attached hereto as

      Exhibit 2; and,

   (c) the Court Order Limiting the Expert Testimony of Evan Kohlmann, in

      United States v. Mohammed Zaki Amawi, 06 Cr. 719 (N.D. Ohio, Western

      Div. March 27, 2008 (Docket #701), attached hereto as Exhibit 3.

  WHEREFORE, it is respectfully requested that the Court grant Mr. Mostafa's Motions in their entirety.

  I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed April 9, 2014.

          /S/ Joshua L. Dratel
         JOSHUA L. DRATEL